

REMARKS

The Declaration in this application was objected to as referring to United States applications in connection with a claim of foreign priority.

Applicants first respectfully traverse the objection to the Declaration, on the grounds that the objectionable statement, to the extent actually incorrect, is a nullity and does not affect the validity of the Declaration. The basis of the objection is that "foreign priority can be claimed based on a prior foreign application designating at least one country other than the United States".¹ Presumably the objection arises because the applications listed under the claim of foreign priority were U.S. applications.

However, Applicants submit that the foreign priority claim in the Declaration as filed, while incorrect, does not render invalid the Declaration as filed. This incorrect foreign priority claim is simply a nullity – it does not add any operative statement to the remainder of the Declaration. As such, this incorrect foreign priority claim is akin to an extraneous statement within the Declaration, and does not affect the remainder of the Declaration. And considering that there is no objection to the Declaration as lacking any essential requirement under the Rules of Practice, apparently the remainder of this Declaration meets all such requirements. Accordingly, Applicants submit that the Declaration as filed in this case is valid, and traverse the objection.

In order to advance the prosecution of this case, Applicants submit a new Declaration, executed by each of the Applicants. Applicants also submit an Application Data Sheet, in which the chain of priority previously claimed in this application is specified, among other information. Applicants submit that this Declaration and Application Data sheet satisfies the requirements under the Rules of Practice currently in effect.²

¹ Office Action of September 23, 2005, page 2.

² 37 C.F.R. §1.63.

Acceptance of this Declaration is respectfully requested.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

37 C.F.R. 1.8

The undersigned hereby certifies that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax Number 571.273.8300) on November 30, 2005.



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